

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WILLIAM PAUL BURCH,

Plaintiff,

v.

JP MORGAN CHASE BANK, N.A.,

Defendant.

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Civil Action No. 3:19-CV-645-N-BH

Referred to U.S. Magistrate Judge

ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The application for leave to proceed *in forma pauperis* on appeal is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) of 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the magistrate judge's findings, conclusions, and recommendation, filed in this case on September 3, 2019 (doc. 16). Based on those findings, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.
- (X) Although this court has certified that the appeal is not taken in good faith under 28 U.S. C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the plaintiff may challenge this finding under *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

The Clerk's Office is **DIRECTED** to forward the application for leave to proceed *in forma pauperis* (doc. 60) to the Fifth Circuit.

DATE: January 10, 2020


UNITED STATES DISTRICT JUDGE